

**United States District Court****for the****Eastern District of Washington****Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender***(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Phillip Smith

Case Number: 2:02CR02168-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 7/2/2003

Type of Supervision: Supervised Release

Original Offense: Crime on an Indian Reservation,  
Aggravated Sexual abuse, 18 U.S.C. §§ 1153 and  
2241(a) and 2241(c)

Date Supervision Commenced: 10/19/2012

Original Sentence: Prison - 121 Months;  
TSR - 60 Months

Date Supervision Expires: 6/18/2017

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 23 You shall participate in the location monitoring program in order to verify compliance with any court-imposed condition of supervision. You are restricted to your residence every day from 5 p.m. to 8 a.m., as directed by the supervising officer. Any absence during the specified times requires advance approval of the supervising officer. You shall pay all or part of the costs of the program based upon your ability to pay.

**CAUSE**

On January 17, 2013, this officer conducted a home visit at the defendant's reported residence. This officer spoke with a family member who indicated Mr. Smith was not home. The family member advised the defendant has not been residing at this residence for the past 2 weeks. This officer then called Mr. Smith and confronted him on his failure to report a change of address. Mr. Smith denied having changed his residence. The defendant was directed to report to the U.S. Probation Office on January 22, 2013.

On January 22, 2013, Mr. Smith called and asked to reschedule his appointment to January 23, 2013, at 4 p.m. On January 23, 2013, Mr. Smith failed to report as directed. Instead, at approximately 4:40 p.m. on this same date, Mr. Smith's ex-girlfriend, Karen Tahmalwash came to my office. Ms. Tahmalwash stated she would like the no contact conditions removed from Mr. Smith as they wish to get back together. This officer advised Ms. Tahmalwash that removing the condition would only be considered if Mr. Smith enrolled and successfully completed an anger management/domestic violence class. This officer then learned that Mr. Smith and Ms. Tahmalwash drove to the

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U.S. Probation Office together, but the defendant elected to wait down the street from the probation office. This officer contacted Mr. Smith and he acknowledged he and Ms. Tahmalwash drove to the U.S. Probation Office together, in addition to having a no contact order as a condition of supervision.

On January 24, 2013, this officer conducted another home visit at Mr. Smith's residence. This time, this officer was advised by another family member that the defendant has not been home for the past 2 days, and he has been staying at his girlfriend's house. Mr. Smith was then contacted by telephone and directed to report to the probation office on January 25, 2013, at 11 a.m.

On January 25, 2013, Mr. Smith reported to the probation office and was advised of the request to modify his conditions of supervision by placing him on location monitoring. The defendant was further informed location monitoring will allow his supervising officer to monitor his whereabouts and to make sure he is not having contact with Karen Tamalwash as ordered by the Court.

Mr. Smith was advised of the potential impact this modification could have on his supervision, and he acknowledged this understanding verbally and with his signature.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 28, 2013

s/Jose Zepeda

Jose Zepeda

U.S. Probation Officer

## THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

**s/ Edward F. Shea**

Signature of Judicial Officer

**January 28, 2013**

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

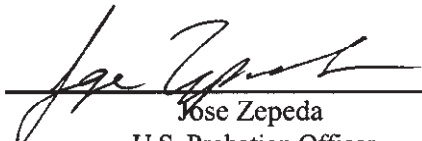
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

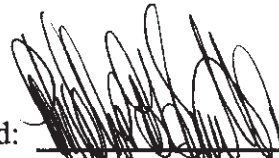
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Witness:

  
Jose Zepeda  
U.S. Probation Officer

Signed:

  
Phillip Smith  
Probationer or Supervised Releasee

January 25, 2013

Date